YADKIN COUNTY BOARD OF COMMISSIONERS REGULAR MINUTES <u>Tuesday</u>, July 6, 2010

The Yadkin County Board of Commissioners met in Regular Session on Tuesday, July 6, 2010, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

Present were:

Chairman Chad Wagoner Vice Chairman Kevin Austin Commissioner Tommy Garner Commissioner David Moxley Commissioner Brady Wooten

Staff present: County Attorney, James Graham; County Manager, Aaron Church; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chairman Wagoner at 9:00am.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Chairman Wagoner.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Adjustments to the agenda were presented as follows:

- 1. Section XII. (5): Mike Reavis, Health Department Director Waiver of hiring freeze for critical position
- 2. Section XII. (6): Commissioner Wooten Utility Item
- 3. Section XII. (7): County Manager Church Strike Task Order #7 for Jacobs Engineering from the Consent Agenda for individual review
- 4. Section XII. (8): Commissioner Wooten
 Strike Contract with Cape Fear Transportation from the
 Consent Agenda for individual review

Commissioner Wooten made a motion to approve the agenda with noted adjustments. Vice Chairman Austin second.

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 9:06am. There were no speakers under this heading. Public Comments portion of the meeting closed at 9:06am.

APPROVAL OF MINUTES

The following adjustments were requested:

Commissioner Wooten

Page 8, first motion of Commissioner Wooten – should be an amendment to the original motion by striking \$0.74 tax rate and inserting \$0.71. Acceptance should reflect the amendment rather than substitution.

Page 8, second motion of Commissioner Wooten - should be an amendment to the original motion by striking \$0.74 tax rate and inserting \$0.73. Acceptance should reflect the amendment rather than substitution.

Chairman Wagoner

Page 3, 1st paragraph: replace "increase" with "decrease"

Page 9, 2nd paragraph: "In an effort to remain consistent in his voting..." add "with last year's budget..."

Commissioner Wooten made a motion to approve the June 7, 2010 Budget Hearing Minutes and the June 21, 2010 Regular Session Minutes with noted adjustments. Commissioner Moxley second.

Vote: 5/0

PUBLIC HEARING

There were no items for public hearing at today's meeting.

BOARD APPOINTMENTS

<u>Christopher Ong, Director of Planning and Development</u>, reported that <u>Marion Welborn</u> had declined reappointment to the Planning Board. Mr. Ong stated that no applications have been received and he has not been notified of interest by any party. The effective term is June 1, 2010 through May 31, 2013. It has been requested that the replacement be a representative of the western area of the County.

Commissioner Garner suggested <u>Pete Knight</u>. Vice Chairman Austin asked if current alternate, <u>Teresa Swain</u>, had been approached. After brief discussion, it was the consensus of the Board that the opportunity should be presented to

Teresa Swain for a voting seat on the Planning Board. <u>Gilbert Hemric</u>, a commissioner elect in attendance today, suggested <u>D.C. Swaim</u>. This item will be added to the July 19, 2010 agenda.

CONSENT AGENDA

The Board reviewed the following items under the consent agenda...

Contracts/Agreements:
DSS – Yadkin Valley Community Hospital
Health Department – Dr. James Harrell, Sr.
Wilkes Center for the Deaf
IT – Tyler Technologies
Jacob's Engineering – Scope Change Authorization
Planning and Development – Ace Homes/Martin
Ace Homes/Sales
Ace Homes/Whitaker

Vice Chairman Austin made a motion to approve the items of the consent agenda as noted. Commissioner Wooten second.

Vote: 5/0

BOARD ACTION

(1) NCACC Annual Meeting/Designation of Voting Delegate

Chairman Wagoner stated he would be unable to attend the annual meeting. Vice Chairman Austin and Commissioner Moxley expressed interest in attending.

Commissioner Wooten made a motion designating Vice Chairman Austin as the voting delegate for Yadkin County at the annual meeting of the North Carolina Association of County Commissioners. Commissioner Garner second.

Vote: 5/0

(2) Proposal from Downtown Business Association

County Manager Church reviewed the proposal from the Downtown Business Association. In an effort to revitalize the downtown area, <u>Brenda Brown</u> and <u>Everette Hartzog</u> have proposed a landscaping plan for the east side of the courthouse lawn. The Downtown Business Association will provide funds for the project through fundraising. No County dollars will be involved in the initial project. The planned foliage will not require a great deal of upkeep. The maintenance of the new landscaped area will be assumed by the County after a 2-year period.

County Manager Church does not see a downside to this proposal. County Manager Church plans to have County maintenance staff work with Mr. Hartzog to become familiar with the foliage and the proper care.

Commissioner Moxley questioned the removal of the birch tree stating that it appears to be in good health. Further, Commissioner Moxley stated that it takes many years to provide the shade and oxygen that a tree of this size is currently offering.

Commissioner Moxley made a motion to approve the proposal of the Downtown Business Association for landscaping the east side of the courthouse lawn; striking the removal of the birch tree. Commissioner Garner second.

Vote: 5/0

BOARD ACTION was paused for the monthly economic development report.

BOARD REPORTS

<u>Bobby Todd, Director of the Yadkin Chamber of Commerce</u>, appeared before the Board for various economic development and tourism updates.

Mr. Todd reported the following:

- There was a return to project activity in June. Projects from early and late 2009 have re-emerged.
- There is an expansion project that is likely.
- Lydall is adding a manufacturing line and currently seeking new employees.
- The Economic Development Council is very close to having control of a development site in the area of I-77/421.
- Chamber activity has also been good with many visitors.
- The Chamber continues to grow.
- The Chamber Board visited the 5D site. A visit will be made once more when the reservoir is filled. Chamber members are beginning to realize the long-term benefits of the reservoir.
- The first year as a 501-C-3 was very smooth.

Commissioner Garner reported having seen a vehicle with a Florida license plate at a recent event at Buck Shoals Vineyard. Mr. Todd added that much of the winery visitors are from out of state.

Mr. Todd further reported that Sanders Ridge has received much media coverage recently. A recent feature of the German Family Restaurant in *Our State Magazine* has generated many calls.

BOARD ACTION (continued)

(3) Audit Agreements: Daniel Professional Group/Martin & Starnes

County Manager Church reported that both firms, Daniel Professional Group (DPG) and Martin & Starnes (M&S), are current. M&S is very interested in doing business with Yadkin County. A 3-year commitment with no more than a 3% increase is not included in the language of the contract. M&S representatives explained that since a current board cannot dictate the actions of future boards, this would be more of a *gentlemen's agreement*. The original quote was for \$60,000. However, the contract presented today is for a cost of \$45,000. County Manager Church presented additional data from Martin & Starnes as follows...

PROFESSIONAL FEES

	On-site	On-site	In Office	Total		
	Interim	Final	Total	Hours	Rate	<u>Fee</u>
Audit of County's Financial Stater	nents and D) Praft Repor	t			
Senior Management Team	-	8	16	24	\$ 250	\$ 6,000
Manager/Senior Accountant	40	40	48	128	185	23,680
Staff Accountants	32	32	36	100	100	10,000
Clerical	-	-	30	30	-	820
Other costs -Preparation of Annual						
Financial Information Report	<u>-</u>	<u>-</u>			<u>-</u>	1,500
Total cost for the 2010 audit **	72	80	130	282		\$ 42,000
Supplemental Services:						
Audit of Yadkin County Tourism Development Authority						\$ 3,000
Proposed fees for year ending Jun	e 30, 2010	(see ** belo	ow)			<u>\$ 45,000</u>
Estimated costs for June 30, 2011						\$ 46,400
Estimated costs for June 30, 2012						\$ 47,800
** Our fees are contingent on receiv	ing the trial 1	balance and	prepared by	client sched	lules	
in electronic format as discussed	above.					

Basis/Methodology of Cost Estimate

We understand the current economic climate that we are all in and the impact it has had on local government budgets. Our normal audit fee increases average 3% per year. GASB 54 is effective as of year ending June 30, 2011. Our fees for 2011 include implementation of this new standard.

Fees presented are on a "fixed-fee" basis. We will execute a "change order" with the Finance Officer before any additional fees are incurred by the County. The "change order" will specify the services to be provided and an estimate of the related fees. We do not bill for travel costs related to the audit engagement. If we are engaged to provide services outside of the audit engagement, we will negotiate the fees for those services, and they may include reimbursing our firm for travel related expenses. Our hourly rates for such services range from \$75-\$225.

The fees proposed herein include technical assistance to the County's staff throughout the year. We are available to serve our government clients twelve months a year. Any assistance that would require supplemental fees will be negotiated in advance. <u>Summary: No surprise fees!</u>

New Auditing and Accounting Standards

Our firm takes a unique approach to dealing with new standards and pronouncements that may be issued during our audit relationship with our clients. We are auditors; therefore, we are responsible for complying with auditing standards as a matter of professional compliance. The financial statements are the responsibility of management (the County); therefore, the County is responsible for complying with new accounting and reporting standards as a matter of compliance with GAAP. Result: No new fees for auditing standards. No new fees for accounting/reporting standards unless we are asked to assist the County with implementation of the new standards. Summary: No surprise fees!

Major Program Testing

Our in-depth experience with auditing Counties allows us to anticipate the ebbs and flows of federal and State funding. Our fees are not based on a <u>specific</u> number of major programs, but instead are based on a <u>level of funding</u> typical to a County with the fund structure and service levels offered by Yadkin County. Changes to the County's major programs will not have an impact on our fees.

Commissioner Wooten asked Attorney Graham if Yadkin County would be obligated to M&S after the 1-year period if there were concerns about the relationship. Attorney Graham stated that the initial contract is for a 1-year term and Yadkin County would not be further obligated beyond that point.

Commissioner Wooten made a motion to approve the agreement with Martin & Starnes for the County audit of fiscal year ending June 30, 2010. Commissioner Garner second. It was further confirmed that the proposal of M&S was \$45,000 while the proposal from DPG was \$89,500. Vice Chairman Austin noted that an individual that was interviewed for the Assistant to the County Manager/HR Officer has experience with Martin & Starnes. This individual spoke highly of M&S stating that it was a dream come true after experiences with Dixon Hughes and that M&S delivered what it promised. Vote: 5/0

6

(4) RESOLUTION Regarding County Paid Legal Expense

Clerk Brown reported that all attempts to locate an earlier resolution of the same nature were unsuccessful.

County Manager Church reported that the resolution will require an amendment to the budget. A new line item for this expense can be created or an additional \$50,000 from the general fund can be placed in the existing professional services line item. Chairman Wagoner noted that there is \$130,000 in the current professional services line item. Chairman Wagoner suggested that this line item be reduced by \$50,000 and a new line item be created with this amount. County Manager Church and Finance Director Church agreed that \$130,000 is required to meet the anticipated professional service needs.

Vice Chairman Austin made a motion to approve the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS REGARDING COUNTY PAID LEGAL COUNSEL; adding the statement "providing such claim does not involve fraud, corruption, or malice" to the last line of the resolution. Commissioner Wooten second. Commissioner Garner stated he was concerned with the word 'malice'. Commissioner Garner asked Attorney Graham if he could be charged with malice against the people of Yadkin County. Attorney Graham stated that, according to the legal definition of malice, Commissioner Garner should have no concerns. Chairman Wagoner asked Attorney Graham to verify that this resolution is not in conflict with current State statutes. Attorney Graham assured the Board that this resolution is not in conflict with the NCGS and must be adopted in order to allow county paid legal counsel.

Vote: 4/1 (Wagoner against)



Kevin Austin, Vice Chairman Tommy Garner, Commissioner David Moxley, Commissioner Brady Wooten, Commissioner Yadkinville, NC 27055 336-679-4200 336-679-6005 (fax) www.yadkincountync.gov Aaron Church, County Manager Gina Brown, Clerk to the Board

RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS REGARDING COUNTY PAID LEGAL COUNSEL

WHEREAS, as a general principle, public officials, including county commissioners, are liable for the torts they commit, just as private individuals are liable.

WHEREAS, if fulfilling one of the responsibilities of the office of commissioner calls for the exercise of judgment and discretion, a commissioner will not be liable of negligence in attempting to fulfill that responsibility.

WHEREAS, under the state law of North Carolina it is not likely that a commissioner can be successfully sued for an unintentional failure to adequately perform the duties of office, they can still be sued for fulfilling their responsibilities of their office.

WHEREAS, potential liability under federal law is a more serious problem based on Section 1983 recognizing a constitutional tort.

WHEREAS, Section 1983 gives a private person the right to sue a public official who has violated that person's constitutional rights while acting by virtue of the official's authority under state law.

WHEREAS, Section 1983 allows a plaintiff to claim and show that a public official's action taken under the authority of public office resulted in a reasonably foreseeable violation of a constitutionally protected right or interest.

WHEREAS, Section 1983 also authorizes a person whose rights under a federal statue have been violated to sue for and recover damages.

WHEREAS, the above-mentioned risk except a possible award of punitive damages may be covered by liability insurance, the law authorizes the board of commissioners to purchase insurance for the county and its officers, agents and employees.

WHEREAS, regardless of insurance, the board may approve the payment of any claim or judgment returned against a county official or employee if it has adopted standards setting forth the conditions under which the county will pay such claims or judgments, the standards may not allow the payment of a judgment is based on conduct by an official that involves fraud, corruption, or malice.

WHEREAS, North Carolina General Statue § 160A-167(a) states, "Upon request made by or on behalf of any member or former member of the governing body of any authority, or any city, county, or authority employee or officer, or former employee or officer, any soil and water conservation supervisor or any local soil and water conservation employee, whether the employee is a district or county employee, or any member of a volunteer fire department or rescue squad which receives public funds, any city, authority, county, soil and water conservation district, or county alcoholic beverage control board may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act

done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as an employee or officer of the city, authority, county or county alcoholic beverage control board. The defense may be provided by the city, authority, county or county alcoholic beverage control board by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Providing for a defense pursuant to this section is hereby declared to be for a public purpose, and the expenditure of funds therefore is hereby declared to be a necessary expense. Nothing in this section shall be deemed to require any city, authority, county or county alcoholic beverage control board to provide for the defense of any action or proceeding of any nature.

THEREFORE BE IT HEREBY RESOLVED, that any County Commissioner may obtain individual legal counsel paid for by the county at any time a commissioner has a claim brought against that individual for performing his or her duties as a duly elected commissioner, providing such claim does not involve fraud, corruption, or malice.

Adopted this 6th day of July, 2010

s/C. Chad Wagoner C. Chad Wagoner Chairman, Yadkin County Board of Commissioners

Attest: s/Gina H. Brown

Gina Brown

Clerk to the Board of Commissioners

Commissioner Wooten made a motion to approve a budget amendment to support the action of the noted resolution establishing a separate line item of \$20,000 for County paid legal expenses for Board members. Vice Chairman Austin second.

Commissioner Moxley made an amended motion to establish the line item at \$10,000 so that the amount would not exceed \$50,000 for all 5 Board members. It was noted that Commissioner Wooten's original amount of \$20,000 is a total and not per each. Commissioner Moxley retracted his amended motion.

Current motion...

Commissioner Wooten made a motion to approve a budget amendment to support the action of the noted resolution establishing a separate line item of \$20,000 for County paid legal expenses for Board members. Vice Chairman Austin second.

Vote: 5/0

(5) Asbury Church Road Water Line

Commissioner Wooten stated that the preliminary engineering had been done under Arcadis approximately 1½ to 2 years prior for a water line on Asbury Road from the flea market to the race shop. The estimated cost was \$200,000 to \$250,000. Commissioner Wooten would like for the County to proceed with this project.

Commissioner Wooten made a motion directing management to take the necessary action to complete a water line project from the flea market at I-77/421 to the race shop and extending approximately 200' across Asbury Church Road. Commissioner Garner second. County Manager Church asked about the preliminary engineering work. Randy Darden confirmed that this was a project of Arcadis and the estimated cost was between \$240,000 and \$260,000. At the time of the original engineering study, there were questions about fire flows. Since then, West Yadkin has been able to upgrade its insurance rating. Due to the time lapse, Mr. Darden suggested that a new study may be appropriate. In the initial discussions, there was debate between 8" line and 12" line. Vice Chairman Austin offered that an 8" line may be sufficient if a loop is created. Mr. Darden agreed. Vice Chairman Austin asked that the Town of Jonesville be kept in the loop on this project.

Vote: 5/0

(6) Hiring Freeze Waiver for Health Department

Mike Reavis, Director of Public Health, reported that 1 of the 2 nurse practitioners for the department had resigned late in the previous week. This is a critical position for the clinic. A nurse practitioner is half the cost of a physician but just as qualified. Mr. Reavis requested a waiver of the hiring freeze in order to advertise this position.

Vice Chairman Austin made a motion to waive the hiring freeze for the position of nurse practitioner for the Yadkin County Health Department. Commissioner Wooten second.

Vote: 5/0

(7) Task Order #7 – CDBG Courtney/Huntsville Waterline Extension

County Manager Church stated that this project must move forward to prevent the loss of grant money. A budget amendment is presented for the fiscal year 2010-2011 budget. County Manager Church reported that

approximately \$500,000 is the grant amount with \$42,000 in administrative costs.

Vice Chairman Austin questioned the extension of the project beyond the grant amount. Mr. Darden reported that the grant offers a 95/5 match with an amount up to \$700,000. At the maximum, the County would be responsible for \$35,000. If the project begins to exceed expected costs, portions of the project can be dropped. The project will be bid with alternates. Vice Chairman Austin stated that the County should not obligate itself for a project that exceeds \$700,000.

Vice Chairman Austin noted that the dates on the agreement should be changed to July 6, 2010.

Commissioner Wooten made a motion to approve Task Order #7 for the General Consulting Services of Jacobs Engineering for the CDBG Courtney-Huntsville Water Line Extension. Commissioner Garner second. Vote: 5/0

Date: July 2, 2010 General Fund

Dept: Non-Departmental

Account	Original Budget	Increase/	Amended Budget
Number		(Decrease)	
1059000-	130,000.00	63,000.00	193,000.00
51500			
1044000-	2,148,643.00	63,000.00	2,211,643.00
	Number 1059000- 51500	Number 1059000- 130,000.00 51500 2,148,643.00	Number (Decrease) 1059000- 51500 130,000.00 63,000.00 1044000- 1044000- 2,148,643.00 63,000.00

To amend for the contract with Randy Darden for the Courtney-Huntsville water line.

Commissioner Wooten made a motion to approve the budget amendment of \$63,000 for professional services regarding Task Order #7. Vice Chairman Austin second.

Vote: 5/0

(8) DSS Agreement with Cape Fear Regional Transportation

Commissioner Wooten stated that he has objected to Cape Fear Regional Transportation over the years since the rural transportation agency of the County has offered the same service for half the cost. Commissioner Wooten feels it would be prudent to have a cost comparison between the 2 providers.

Commissioner Wooten made a motion to postpone the action on this item until a price comparison can be reviewed between rural transportation services of YVEDDI and Cape Fear Regional Transportation. Vice

Chairman Austin second. Vice Chairman Austin stated that he, too, questioned this agreement with Cape Fear. Though it has been reported that YVEDDI is unable to meet every need, Vice Chairman Austin believes this issue should be further studied. Commissioner Wooten added that the County should not pay additional money for identical services. Vice Chairman Austin questioned if there were other transportation options in the County. Chairman Wagoner noted that a comparison was made available at last year's contract renewal but that the documents made it impossible to compare 'apples to apples.' It was determined that this item would be best discussed during a morning meeting to insure the appearance of Eddie Wooten, DSSDirector and Charlie Walker, This
should be an action item for the agenda of Monday, August 2, 2010.

Vote: 5/0

MANAGER REPORTS/COMMENTS

County Manager Church introduced the Amendment to the Promissory Note between Yadkin County and CAH Acquisition Company #10 LLC for Hoots Memorial Hospital. After further discussion with hospital administrators, a revised amendment providing an 8-month repayment schedule has been developed. The document follows below...

AMENDMENT TO PROMISSORY NOTE

This Amendment to Promissory Note (the "Amendment") is entered into as of the 1st day of July, 2010, by and between CAH ACQUISITION COMPANY #10 LLC, a Delaware limited liability company (the "Maker") and HMC/CAH CONSOLIDATED, INC., a Delaware corporation (the "Maker's Parent"), and COUNTY OF YADKIN, a body corporate and politic, existing under the laws of the State of North Carolina (collectively, the "Holder").

WHEREAS, HOOTS MEMORIAL HOSPITAL, INC., a North Carolina non-profit corporation (the "Original Maker") executed and delivered to the Holder that certain Promissory Note (the "Original Note"), a true copy of which is attached hereto as Exhibit A, payable to the order of the Holder in the original principal amount of Four Hundred Thousand Dollars (\$400,000.00) dated as of April 1, 2010, which Original Note evidences a loan in such amount made by the Holder to the Original Maker, the proceeds of which were used to pay certain tax liabilities or obligations;

WHEREAS, pursuant to that certain Agreement to Purchase and Lease dated as of April 22, 2010 by and among the Maker, as purchaser, and the Holder and the Original Maker, as sellers (the "Purchase Agreement"), the Maker assumed, on the closing of the Purchase Agreement, the due and punctual payment, according to its tenor, of the Original Note;

WHEREAS, the Maker, the Maker's Parent, and the Holder desire to amend the Original Note as herein provided;

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. All Capitalized terms not otherwise defined herein shall have the respective meaning ascribed in the Original Note.

2. The first paragraph is hereby deleted in its entirety and the following is inserted in lieu thereof:

FOR VALUE RECEIVED, CAH ACQUISITION COMPANY #10 LLC, a Delaware limited liability company (the "Maker"), hereby promises to pay to the order of COUNTY OF YADKIN and TRUSTEES OF HOOTS MEMORIAL HOSPITAL, bodies corporate and politic, existing under the laws of the State of North Carolina (collectively, the "Holder"), the principal sum of Four Hundred Thousand Dollars (\$400,000.00), with interest at the rate of 5% percent per annum, due and payable in eight monthly installments of \$51,416.47 each, beginning as of June 1, 2010 and on or before the 1st day of each month thereafter until paid in full.

- 3. The Maker's Parent, as primary obligor, hereby unconditionally guarantees the prompt payment of principal and interest when due and all other obligations contained in the Original Note and this Amendment. The Maker's Parent accepts and agrees to be bound by all terms, conditions and waivers contained in the Original Note and this Amendment. The Maker's Parent waives notice of acceptance of this guaranty and suretyship defenses of all kinds. The Holder may extend the time of payment on the Original Note and this Amendment, or grant any indulgence to any party without releasing the liability of the Maker's Parent. The Holder need not proceed against the Maker or any other party prior to proceeding against the Maker's Parent.
- 4. Except as otherwise provide in this Amendment, all of the terms, covenants and conditions of the Original Note shall remain in full force and effect.
- 5. This Amendment shall be governed by and construed in accordance with the laws of North Carolina.
- 6. The terms, agreements, covenants and conditions contained in this Amendment shall bind and inure to the benefit of the parties hereto and their respective successors and assigns. This Amendment may not be changed orally.
- 7. This Amendment may be executed in multiple counterparts, each of which, when so executed, shall be deemed an original, and all of which shall together constitute one and the same document, and shall be binding on the signatories. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment as of the day and year first above written.

SAR ACQUISITION COMPANY #10 LLC
Ву:
Ted Chapin
Chief Executive Officer
HMC/CAH CONSOLIDATED, INC.
By:
Dennis L. Davis
Executive Vice President
COUNTY OF YADKIN
By:
Name:
Γitle:

CALLACOLUCITION COMPANY #40 LLC

Regarding the Collateral Assignment of Purchase Agreement, Attorney Graham reported that this document can be removed from the agenda as it is no longer needed.

Chairman Wagoner stated that he was more in favor of this agreement than the original because it removes the "payable on demand" clause. Attorney Graham stated that this amendment is more appropriate and gives structure to the agreement.

Commissioner Moxley made a motion to approve the Amendment to Promissory Note as noted. Commissioner Garner second. Vote: 5/0

CALENDAR NOTES

Chairman Wagoner directed attention to the calendar items.

COMMISSIONER COMMENTS

<u>Vice Chairman Austin</u> had these additional comments:

- (1) Regarding the calendar notes, Vice Chairman Austin directed attention to the Community Visioning Meetings of the Yadkin County Land Use Plan Committee. Vice Chairman Austin encouraged the citizens to attend these meetings to provide input into the future land use and development of Yadkin County. It was noted that the first meeting would be held at Starmount Middle School on Tuesday, July 13, 2010 at 7:00. The second meeting would be held at Forbush Middle School on Tuesday, July 20, 2010 at 7:00pm. Vice Chairman Austin asked the media representatives to make the public aware of these meetings.
- (2) Vice Chairman Austin had received calls from a citizen residing on Virgil Hodges Lane. Virgil Hodges Lane is a semi-private, extremely narrow, poorly maintained road in Yadkin County. There are 11 homes on this road. Citizens are concerned with safety, particularly the access for fire and rescue. The majority of the homes were built in the 1980s and are not subject to the subdivision ordinance. Commissioner Garner had been notified about this issue as well. Commissioner Garner stated that Virgil Hodges Lane has a green road sign which typically indicates a State road. A letter from attorney,

Greg Matthews, recommends condemnation of property in order to increase the right-of-way easement.

Commissioner Wooten reported that this issue has recently been in court. The homeowners were awarded a 15' easement. Homeowners contend that 15' is inadequate and are concerned about the safety of schoolchildren walking home from the bus stop and other concerns. Homeowners would like the Board to consider condemnation of an additional 15'.

Chairman Wagoner asked if the court had determined a 15' easement was appropriate, then what authority would the Board have to question that determination. Commissioner Wooten stated that the matter had actually been settled through arbitration, not judge ruling.

Chairman Wagoner stated that this appears to be a personal issue with the residents of that area and that the County should not get involved. Attorney Graham agreed stating that Yadkin County has never been involved in road maintenance or roadway issues and would be setting a harmful precedent to get involved in this matter.

Vice Chairman Austin offered that there may not be a solution or an action that this Board has the authority to manage but wanted to give this matter proper attention. Further, regardless of the County's involvement in road maintenance, Virgil Hodges Lane is an issue of public safety.

<u>Commissioner Garner</u> had these additional comments at this time.

The Yadkin County Sheriff's Office has expressed the need for Yadkin County to establish a peddler's ordinance and license. This action would result in revenues and give the Sheriff's Office the authority to patrol the actions of peddlers in the County. The Town of Jonesville and the Town of Yadkinville currently require a peddler's license and are willing to share the data in order to merge the process. Vice Chairman Austin stated that the majority of the vendors are operating legitimately but undoubtedly there are a few unscrupulous vendors as well. Commissioner Wooten questioned what department or agency would administer this licensing process. The Sheriff's Office, Finance, and Administration were possible suggestions.

<u>Commissioner Moxley</u> had no additional comments at this time.

Commissioner Wooten had these additional comments:

Commissioner Wooten offered a report from a recent PART meeting as follows:

• Ridership continues to increase, saving citizens transportation costs.

- A presentation was made regarding the affordability of housing and transportation. A family in Greensboro found a house with 2 bedrooms in a rural area that would allow a short drive to work for the husband and allow the wife to walk to work. The cost of the house was \$240,000. Because the payment would be more than 30% of the couple's income, the bank would not make the loan. By contrast, the couple found a home in town at a cost of \$179,000. The couple would have to purchase a 2nd vehicle for the wife to get to work and the husband would have a further drive with increased fuel cost. The study indicated that the couple would use 49% of their income for housing and transportation if purchasing the \$240,000 home and 54% of their income if purchasing the \$179,000 home.
- PART is encouraging counties to review zoning policies and procedures that will improve transportation in rural areas.
- PART continues a study of bankruptcies due to transportation in rural areas versus cities. No data is yet available.
- The website, <u>www.cnt.org</u>, presents data on the percentage of household income required for housing and transportation in each county in the region. Stokes County has the highest percentage at 55%. Yadkin County is 3rd at 52%. Randolph County is 4th with 51%.
- PART funds are decreasing. At some point in the near future, each County will be asked to implement a fee for license plate renewal that will be set aside for PART. The fee may be from \$1 to \$8 per registration. Guilford County has already pledged to apply a \$5 fee.

<u>Chairman Wagoner</u> had these additional comments:

Chairman Wagoner stated that he welcomes correspondence. However, letters that are unsigned will not be read. Chairman Wagoner further stated that if a citizen has an issue to be addressed, the citizen should have the backbone to give his or her name.

Attorney Graham had no additional items for discussion.

Commissioner Wooten made a motion to enter a Closed Session for consultation with attorney per NCGS 143-318.11(a)(3) and to discuss a personnel matter per NCGS 143.318(a)(6). Vice Chairman Austin second. Vote: 5/0

Commissioner Wooten made a motion to end the Closed Session. Vice Chairman Austin second.

Vote: 5/0

Commissioner Wooten made a motion to adjourn. Commissioner Moxley second.

Vote: 5/0

Meeting adjourned at 11:10am.	
	Prepared by Clerk to the Board
	Date Approved by the Yadkin County Board of Commissioners